

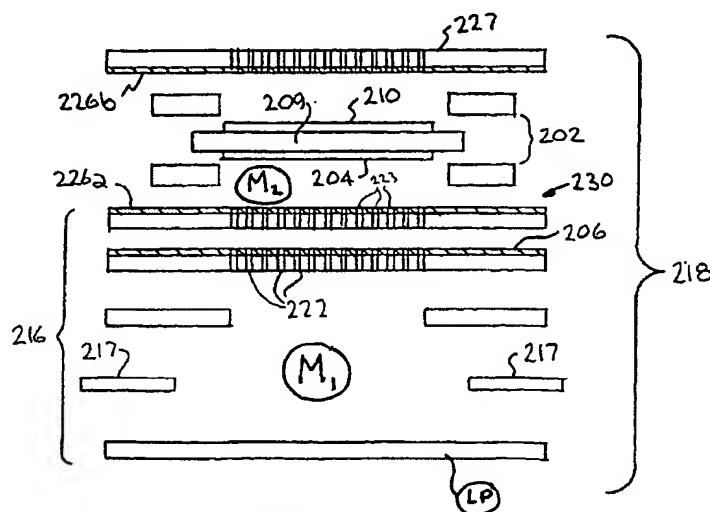
## **REMARKS**

Claims 1-9 are now pending in the application, Claims 10-49 having been withdrawn from consideration. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Morse et al. (U.S. Pat. No. 6,960,403). This rejection is respectfully traversed.

In rejecting Claims 1 and 7, the Examiner states that Morse et al. teach a fuel cell having a flow path established from the first manifold through the orifices (222, 223) over the active element (204, 209) to the second manifold. The Examiner fails to specifically identify where Morse et al. discloses a first manifold and a second manifold. From the cited portions of the reference, Applicants believe that the Examiner's reference to a first manifold refers to the volume (labeled  $M_1$ ) defined between the heating element (206) and the lower plate (labeled L.P.), and the second manifold is the volume (labeled  $M_2$ ) defined between the MEA (202) and the cathode support structure (227).



**FIG. 2**

Applicants submit that Morse et al. fails to disclose or suggest the invention as presently recited in Claims 1-9. Specifically, Morse et al. fails to disclose “a flow path . . . established from said first manifold through said orifice over said active element to said second manifold. At best, the orifices (222, 223) define a flow path from a first manifold through an orifice to and a second manifold but not over an active element. Once the reactant fuel is in the second manifold, it confronts the MEA, not before. Clearly, reactant gases would not flow through the MEA into the region defined between a cathode element (210) and cathode support structure (227). Likewise, Morse et al. fails to disclose “a plurality of spacer disposed in said first manifold. As understood by Applicants neither the perform laminate (217) or the element (not numbered) interposed between the laminate and the heating element (206) are disposed within the first manifold.

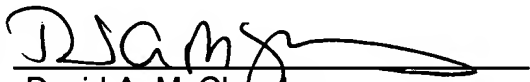
For the foregoing reasons, Applicants submit that Morse et al. fails to disclose each and every limitation set forth in the claims of the present application. Applicants further reiterate that the flow field design includes an intake manifold and an exhaust manifold which are configured in offset planes. A relatively short passage extends from the intake manifold to the exhaust manifold and terminates at an active element such that fluid communication is provided from the intake manifold through the passage and the active element to the exhaust manifold. See application, page 5, paragraph 12. Clearly Morse et al. fails to disclose or suggest this unique flow field design. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejections of Claims 1-9.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 11, 2006

By:   
David A. McClaughry  
Reg. No. 37,885

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

DAM/pal